| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/750,507 | 12/29/2000 | Byoung Heon Lee | P-176 | 6878 |

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|---|---|---|
| 34610    7590    11/24/2004 | | EXAMINER |
| FLESHNER & KIM, LLP | | CHOU, ALBERT T |
| P.O. BOX 221200 | | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2662 | |

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DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|---|---|---|
| | 09/750,507 | LEE, BYOUNG HEON |
| | Examiner | Art Unit |
| | Albert T. Chou | 2662 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on _12-29-2000_.

2a)☐ This action is **FINAL**.      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4,6,7 and 12-16_ is/are rejected.

7)☐ Claim(s) _5,8-11,17 and 18_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _12-29-2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All   b)☐ Some *  c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1.     The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.     Claims 1, 2, 3, 4, 6, 7, 12, 13, 14, 15 and 16 are rejected under 35 U.S.C. 102(e)

as being anticipated by Havinis et al. (US Patent Number: 6,295,454) hereinafter called

Havinis.

3.     Regarding claim 1, Havinis teaches a system, utilizing a cellular communications

network (figures 3 and 4), comprising a Mobile Station MS 20 (a PCS terminal) which

records and reports its location (col. 5, lines 7-10) (for detecting and storing subscriber

location information), a plurality of Base Transceiver Stations BTS 24 (figure 3) for

receiving location information from Mobile Station 20 (figure 3), a cellular

communications network PLMN 10 (figure 3; col. 5, lines 9-15) for transmitting the

location information from Mobile Station 20 through Base Transceiver Station BTS 24 (A

PCS network for transmitting location information detected by the PCS terminal), a

traffic information center comprising a Serving Mobile Location Center 270, a Location

Application 280 and a Gateway Mobile Location Center GMLC 290 (figure 3; col. 5 lines

9-15). (Processing and analyzing the subscriber location information transmitted

through the PCS network.)

4.      Regarding Claims 2 and 12, Havinis teaches (figure 4; col. 5 lines 65-67; col. 6,

lines 1-3) that SIM card 250 within Mobile Station 20 stores the calculated location 298

with a time stamp 299 in a memory within the SIM card 250. (the location information

consists of the location of a subscriber and the time at which the location is measured.)

5.      Regarding claims 3 and 13, Havinis teaches (figures 3-4; col. 5, lines 10-16) that

when LA 280 sends the position request 285 to MS 20, the request includes a reporting

indicator 288, which indicates how often (PSC terminal does not transmit the user

location information until a predetermined number of times is reached.) the MS 20

should report the location information.

6.      Regarding claim 4, Havinis teaches (figures 3-4; col. 5, lines 16-20) the position

request 285 comprising a reporting indicator 288 (the number of times of detecting

location information is set according to a parameter value output from BTS) is delivered

by the serving BTS 24 to MS 20.

7.      Regarding claims 6 and 14, Havinis teaches (figure 4; col. 6, lines 8-16) that

when the reporting logic 268 within the SIM card 250 determines that predefined time

has passed, the reporting logic 268 retrieves and transmits all of the location information

298 and associated time stamps 299. (PCS terminal transmits all detected location

information at once when a predetermined number is reached.)

8.      Regarding claims 7, Havinis teaches a method, utilizing a cellular

communications network PLNM 10 (figures 3 and 4), comprising the step (col. 5, lines

16-20) of sending the positioning request 285, via a serving Base Transceiver Stations BTS 24, to a Mobile Station 2 (outputting a control signal form the base transceiver station to a PCS terminal), the step (col. 5, lines 7-10) of recording the location information (collecting subscriber location information), the step (col. 5, lines 7-10) of reporting the location information (transmitting the collected location information) via the serving Base Transceiver Station 24 to the cellular communications network PLNM 10 (PCS network), and the step (figures 3-4; col. 6. lines 29-36; figure 8, steps 880, 890, and 895) of forwarding the location information and time stamps to MSC 14, GMLC 290 and LA 280. (Processing the location information.)

9.      Regarding claim 15, Havinis teaches (figure 3) Base Transceiver Station 24 which serves Cell 22 where Mobile Station 20 is within the area of cell coverage. (Base Transceiver provides general mobile communications call services and traffic information call services.)

10.     Regarding claim 16, Havinis teaches (figures 3, 4 and col. 5, lines 10-16) that Mobile Station 20 receives the request, stores and reports the location information. (PCS terminal has general mobile communications service functions and traffic information service functions.)

### *Allowable Subject Matter*

11.     Claims 5, 8, 9, 10, 11, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Albert T. Chou whose telephone number is 571-272-

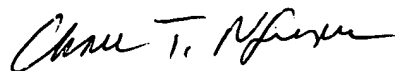6045. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hassan Kizoou can be reached on 571-272-3088. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


*Ac*

Albert Chou

November 15, 2004

CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600